

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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BRENDAN NASBY,

Case No. 3:17-cv-00447-MMD-CLB

Plaintiff,

ORDER

v.

JAMES COX, *et al.*,

Defendants.

Plaintiff Brendan Nasby (“Nasby”) brings this case under 42 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Carla L. Baldwin, recommending the Court grant Defendants’ motion to dismiss unserved Defendants Adam Watson and Michael Fletcher (ECF No. 91), and their motion to dismiss unserved Defendant Howard Skolnik (ECF No. 93). (ECF No. 106.) Nasby had until August 11, 2020, to file an objection to the R&R, but has not done so. The Court will adopt the R&R in full.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation”).

1 Because there is no objection, the Court need not conduct de novo review, and is  
2 satisfied Judge Baldwin did not clearly err. Here, Judge Baldwin recommends granting  
3 Defendants' two motions to dismiss unserved Defendants for Nasby's failure to effectuate  
4 service of process. (ECF No. 106 (recommending the Court grant ECF Nos. 91, 93).) The  
5 Court agrees with Judge Baldwin. See Fed. R. Civ. P. 4(m) (providing the Court must  
6 dismiss unserved defendants after a period of time has elapsed, and after the Court  
7 provides notice to the plaintiff). Having reviewed the R&R and the record in this case, the  
8 Court will adopt the R&R in full.

9 It is therefore ordered, adjudged, and decreed that the Report and  
10 Recommendation of Magistrate Judge Carla L. Baldwin (ECF No. 106) is accepted and  
11 adopted in its entirety.

12 It is further ordered that Defendants' motion to dismiss two unserved Defendants  
13 (ECF No. 91) is granted.

14 It is further ordered that Defendants' motion to dismiss another unserved Defendant  
15 (ECF No. 93) is granted.

16 It is further ordered that Defendants Adam Watson, Michael Fletcher, and Howard  
17 Skolnik are dismissed from this action without prejudice.

18 DATED THIS 21<sup>st</sup> day of August 2020.

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22 MIRANDA M. DU  
23 CHIEF UNITED STATES DISTRICT JUDGE  
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